

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09MD-35

MAUI

Sale of Remnant to Kuiaha Pauwela Condominium Association,
Makawao, Maui, Tax Map Key: (2) 2-7-8:portion of Remnant 4.

APPLICANT:

Kuiaha Pauwela Condominium Association, whose business and
mailing address is 1089 West Kuiaha Road, Apartment F, Haiku,
Hawaii 96708.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kuiaha-Pauwela Homesteads,
Makawao, Maui, identified by Tax Map Key: (2) 2-7-8:portion of
Remnant 4, as shown on the attached map labeled Exhibit A.

AREA:

6,750 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO _____x

CURRENT USE STATUS:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Subdivide and consolidate the remnant with the Applicant's abutting property through the County subdivision process; and
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant by this definition for the following reasons:

Remnant 4 was the result of the realignment of West Kuiaha Road in the 1950's to make way for the construction of the Kuiaha Water Tank on the abutting parcel (2-7-8:116). Furthermore, the County of Maui by Resolution No. 293 dated September 18, 1954 officially abandoned and closed portions of the road right-of-way.

Applicant is the owner of parcel (2) 2-7-8:58 as staff has confirmed by checking the County of Maui, Real Property Assessment data. According to Section 171-52, HRS, if there is more than one abutting owner who is interested in purchasing the remnant, it shall be sold to the one submitting the highest sealed bid or if the remnant abuts more than one parcel, the Board may subdivide the remnant so that a portion may be sold to each abutting owner. Besides, Kuiaha Pauwela Condominium Association, there is Mr. Gregg Blue (owner of tmk 2-7-8:20).

Mr. Blue already obtained Land Board approval on November 14, 2008 to purchase Remnant 3 and 4 that fronts his property. Mr. Blue has no objections to the Department selling the portion of Remnant 4 that fronts Kuiaha Pauwela Condominium Association.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from:

DHHL	No comments
County Planning	No objections
OHA	OHA is suppose to receive a portion of all revenues generated on 5(b) lands.

RECOMMENDATION:

That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (2) 2-7-8:58, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
4. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Kuiaha Pauwela Condominium Association covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from

time to time;

- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

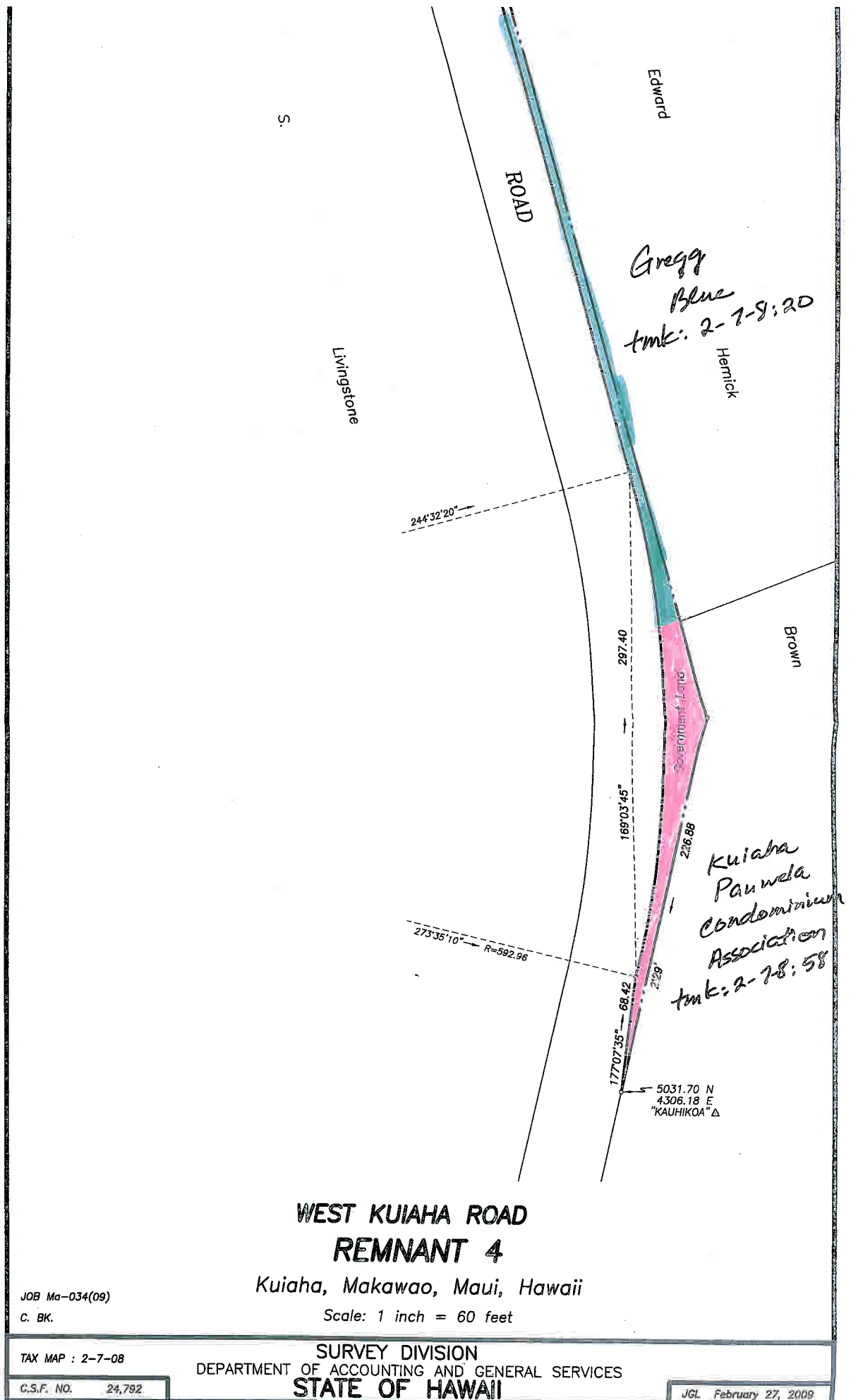
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



EXHIBIT "A"



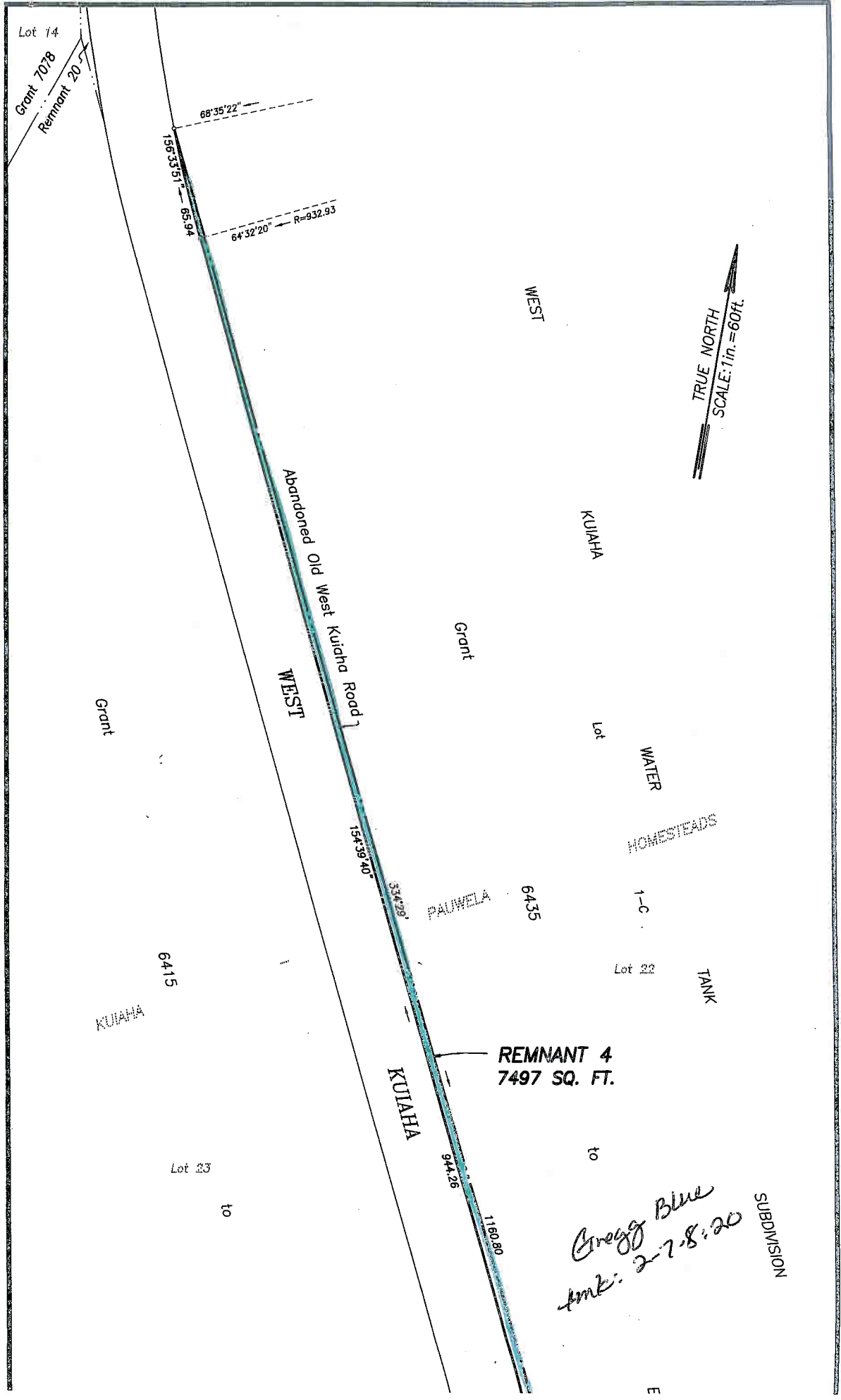


EXHIBIT "A"